

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of rulemaking to adopt Rule 25-6.0346, and to amend Rules 25-6.019, 25-6.0345, 25-6.060, 25-7.059, 25-7.060, 25-7.061, 25-7.062, 25-7.064, 25-7.065, 25-7.066, 25-7.070, 25-7.071, 25-7.084, 25-12.005, 25-12.008, 25-12.027, 25-12.052, and 25-12.082, F.A.C.

DOCKET NO. 110313-PU
ORDER NO. PSC-12-0568-NOR-PU
ISSUED: October 24, 2012

The following Commissioners participated in the disposition of this matter:

RONALD A. BRISÉ, Chairman
LISA POLAK EDGAR
ART GRAHAM
EDUARDO E. BALBIS
JULIE I. BROWN

NOTICE OF RULEMAKING

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to adopt Rule 24-6.0346 and to amend Rules 25-6.019, 25-6.0345 and 25-6.060, Florida Administrative Code, relating to electric utility accident notification, safety standards, and meter test rules.

The attached Notice of Proposed Rule appeared in the October 23, 2012, edition of the Florida Administrative Register.

If timely requested, a hearing will be held at a time and place to be announced in a future notice. Written requests for hearing and written comments or suggestions on the rules must be received by the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than November 13, 2012.

DOCUMENT NUMBER-DATE

07232 OCT 24 2012

FPSC-COMMISSION CLERK

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By ORDER of the Florida Public Service Commission this 24th day of October, 2012.



ANN COLE
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

KC

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

[25-6.019](#): Notification of Accidents

[25-6.0345](#): Safety Standards for Construction of New Transmission and Distribution Facilities

[25-6.0346](#): Quarterly Reports of Work Orders and Safety Compliance

[25-6.060](#): Meter Test - Referee

PURPOSE AND EFFECT: To update and clarify the rules and to remove duplicative and unnecessary language.
Docket No. 110313-PU

SUMMARY: Rule 25-6.019 is amended to update and clarify language and to add two forms for notification of events involving injury and damages. Rule 25-6.0345 is amended to update materials incorporated by reference to the most current versions, to eliminate duplication and conflict with other rules, and to move certain provisions into a new rule. Rule 25-6.0346 is adopted to make existing rule provisions currently in Rule 25-6.0345(2) and (4) easier to locate by moving them to this new rule. Rule 25-6.060 is amended to clarify the rule title, allow oral requests for customer meter tests, and require such tests to be witnessed by a Commission representative.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: [350.127\(2\)](#), [366.05\(1\)](#), [FS](#)

LAW IMPLEMENTED: [366.04\(2\)\(f\)](#), [\(6\)](#), [366.05\(1\)](#), [\(3\)](#), [FS](#)

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216, kcowdery@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.019 Notification of Events ~~Accidents~~.

(1) Form PSC/ENG 159 (XX/XX), entitled "Electric Utility Event Report – Injury," is incorporated in this rule by reference and may be obtained from the Commission's Division of Administrative Services and is also available at [Dept of State hyperlink]. As soon as practicable, but no later than two business day after it learns of the occurrence, each investor-owned electric utility, rural electric cooperative, and municipal electric utility shall notify

the Commission's Bureau of Safety, in writing, using Form PSC/ENG 159 (XX/XX), Commission of any event involving accident occurring in connection with any part of the electrical system which:

(a) No change.

(b) No change.

(2) Form PSC/ENG 158 (XX/XX) entitled "Electric Utility Event Report – Damages," is incorporated into this rule by reference and may be obtained from the Commission's Division of Administrative Services and is also available at [Dept of State hyperlink]. Each investor-owned electric utility, rural electric cooperative, and municipal electric utility shall report, in writing, to the Commission's Bureau of Safety, using Form PSC/ENG 158 (XX/XX), Commission within 30 days of learning of any event malfunction-of-or-accident involving any part of the electrical system, fire, or explosion, that:

(a) Involves damage to the property of others for an amount in excess of \$10,000 ~~\$5000~~, or,

(b) Causes ~~Cause~~ significant damage, in the judgment of the utility, to the utility's facilities.

(3) Unless requested by the Bureau of Safety, rReports are not required with respect to personal injury, death, or property damage resulting from vehicular equipment striking poles and/or other utility property or events directly caused by:

(a) A storm named by the National Hurricane Center;

(b) A tornado recorded by the National Weather Service;

(c) Ice on line;

(d) An extreme weather or fire event causing activation of the county emergency operation center.

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(f) and (6), 366.05(1) FS. History—New 7-29-69, Amended 4-13-80, Formerly 25-6.19, Amended _____.

25-6.0345 Safety Standards for Construction of New Transmission and Distribution Facilities.

(4) The Commission adopts and incorporates by reference the 2012 ~~2002~~ edition of the National Electrical Safety Code (ANSI C-2) [NESC], as the applicable safety standards for transmission and distribution facilities subject to the Commission's safety jurisdiction. ~~For electrical facilities constructed on or after February 1, 2007, the 2007 NESC shall apply. Electrical facilities constructed prior to February 1, 2007, shall be governed by the edition of the NESC specified by subsections 013.B.1, 013.B.2, and 013.B.3 of the 2007 NESC.~~ Each investor-owned electric utility, rural electric cooperative, and municipal electric system shall, at a minimum, comply with the standards in these provisions. A copy of the 2007-NESC, ISBN number ~~0-7381-4893-8~~, may be obtained from the Institute of Electric and Electronic Engineers, Inc. (IEEE), 3 Park Avenue, New York, NY, 10016-5997.

(2) ~~Each investor-owned electric utility, rural electric cooperative and municipal electric utility shall report all completed electric work orders, whether completed by the utility or one of its contractors, at the end of each quarter of the year. The report shall be filed with the Director of the Commission's Division of Regulatory Compliance and Consumer Assistance no later than the 30th working day after the last day of the reporting quarter, and shall contain, at a minimum, the following information for each work order:~~

(a) ~~Work order number/project/job;~~

- (b) Brief title outlining the general nature of the work;
- (c) Estimated cost in dollars, rounded to nearest thousand and;
- (d) Location of project.

(3) The quarterly report shall be filed in standard DBase or compatible format, DOS ASCII text, or hard copy,

as follows:

(a) DBase Format

Field Name	Field Type	Digits
1. Work orders	Character	20
2. Brief title	Character	30
3. Cost	Numeric	8
4. Location	Character	50

(b) DOS ASCII Text.

- 1. Columns shall be the same type and in the same order as listed under Field Names above.
- 2. A comma (,) shall be placed between data fields.
- 3. Character data fields shall be placed between quotation marks ("...").
- 4. Numeric data fields shall be right justified.
- 5. Blank spaces shall be used to fill the data fields to the indicated number of digits.

(c) Hard Copy.

The following format is preferred, but not required:

Completed Electrical Work Orders For PSC Inspection

Work Order	Brief Title	Estimated Cost	Location

(4) In its quarterly report, each utility shall identify all transmission and distribution facilities subject to the Commission's safety jurisdiction, and shall certify to the Commission that they meet or exceed the applicable standards. Compliance inspections by the Commission shall be made on a random basis or as appropriate.

(5) As soon as practicable, but by the end of the next business day after it learns of the occurrence, each investor-owned electric utility, rural electric cooperative, and municipal electric utility shall (without admitting liability) report to the Commission any accident occurring in connection with any part of its transmission or distribution facilities which:

- (a) Involves death or injury requiring hospitalization of nonutility persons; or
- (b) Is significant from a safety standpoint in the judgment of the utility even though it is not required by subsection (a).

(6) Each investor-owned electric utility, rural electric cooperative, and municipal electric utility shall (without admitting liability) report each accident or malfunction, occurring in connection with any part of its transmission or

distribution facilities, to the Commission within 30 days after it learns of the occurrence, provided the accident or malfunction:

(a) ~~Involves damage to the property of others in an amount in excess of \$5000; or~~

~~(b) Causes significant damage in the judgment of the utility to the utility's facilities.~~

(7) ~~Unless requested by the Commission, reports are not required with respect to personal injury, death, or property damage resulting from vehicles striking poles or other utility property.~~

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(f), (6) FS. History—New 8-13-87, Amended 2-18-90, 11-10-93, 8-17-97, 7-16-02, 2-1-07, _____.

25-6.0346 Quarterly Reports of Work Orders and Safety Compliance

(1) Each investor-owned electric utility, rural electric cooperative and municipal electric utility shall report all completed electric work orders, relating to the construction and/or maintenance of transmission and distribution facilities, whether completed by the utility or one of its contractors, at the end of each quarter of the year. The report shall be electronically filed with the Commission's Bureau of Safety no later than the 30th working day after the last day of the reporting quarter using Form PSC/ENG 157 (xx/12), "PSC Quarterly Report of Completed Work Orders," which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>. This form is incorporated into this rule by reference and may also be obtained from the Commission's Division of Administrative Services.

(2) In its quarterly report, each utility shall certify to the Commission that all work described in the completed work orders listed in the quarterly report meets or exceeds the applicable standards. Compliance inspections by the Commission shall be made on a random basis or as appropriate.

Rulemaking Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(f) and (6), 366.05(1) FS. History—New

25-6.060 Meter Test – Refereed Dispute Referee.

(1) In the event of a dispute, upon request ~~written application~~ to the Commission by any customer, a test of the customer's meter shall ~~will~~ be made by the utility as soon as practicable. Said test shall ~~will~~ be supervised and witnessed by a representative of the Commission.

(2) No change.

(3) No change.

(4) No change.

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(3), 366.08 FS. History—New 7-29-69, Formerly 25-6.60, Amended 7-3-06, _____.

Posting of the 2012 edition of the National Electrical Safety Code on the Internet for purposes of public examination and inspection would constitute a violation of federal copyright law. These materials are available for public inspection and examination at the Florida Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, and the Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850.

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NAME OF PERSON ORIGINATING PROPOSED RULE: Rick Moses

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 16, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 37, Number 45,
November 10, 2011, and, Volume 38, Number 15, April 13, 2012